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10/509,402	09/23/2004	Mikael Jaakola	915-001.037	5708

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EXAMINER

PHAM, TUAN

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/509,402	JAAKOLA, MIKAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	TUAN A. PHAM	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 09/11/2006 have been fully considered but they are not persuasive.

In response to applicant's remark on page 12, Applicant argues that the examiner has fails to combine Kanesaka and Marshall in claims 1, and 17, and applicant also alleges that there is no motivation to combine Kanesaka and Marshall.

In response to applicant's arguments as stated above, the Examiner respectfully disagrees with the Applicant's argument. It appears applicant is attacking individual merits of Kanesaka and Marshall and concludes that there is no impetus to combine them. However, the 103 rejection is in consideration of Kanesaka and Marshall as a whole. One cannot show non-obviousness by attacking references individually. In re Keller, 208 USPQ 871 (CCPA 1981). The test for obviousness is not whether features of one reference may be bodily incorporated into the other to produce claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in pertinent art. In re Bozek, (CCPA) 163 USPQ 545. The question in a rejection for obviousness on a combination of references is what secondary reference would teach one skilled in the art and not whether its structure could be bodily substituted in basic reference structure. In re Richman, 165 USPQ 509 (CCPA 1970). In this regard, the intent of Marshall as a secondary teaching is not to combine its structural features into Kanesaka, but rather to use the teaching of Marshall to combine with the teaching

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of Kanesaka to read on the claimed limitations. Furthermore, Examiner is also thanked the applicant to explained the applicant's invention. However, these limitations are not in the claimed. Therefore, there is an existing a strong prima facie case of obviousness under 35 U.S.C 103, and proper to combine Kanesaka and Marshall.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in order to record and retrieve information in the memory as suggested by Marshall at col.5, [0054].

For the reasons above, the 103 rejections as set forth in the last Office Action stand.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 8-18, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") in view of Marshall (Pub. No.: US 2002/0095538).**

**Regarding claims 1 and 17,** Kanesaka teaches a personal telecommunication device (see figures 1&2, read on the combination of first 100 and second 101 information process devices), comprising:

a keypad for allowing a human user to input information to the personal telecommunication device (see figure 1, first information process device 100 is included keypad), and

a display for displaying information to a human user of the personal telecommunication device (see figure 1, second information process device 101 is included a display 120),

two mechanically separate structural parts, of which a first part is a keypad part (read on first information process device 100) that comprises the keypad (see figure 1, first information process device is included keypad), and a second part is an amulet (read on second information process device 101) that comprises the display (see figure 1, second information process device is included a display 120),

a short distance communication link between said keypad part and said amulet (see figure 1, first information process device 100, second information process device 101, col.4, ln.42-47), and

said amulet further comprising a hanging arrangement for allowing said amulet to be worn on the torso of a human user (see figure 1, neckband, col.4, ln.60-64).

It should be noticed that Kanesaka fails to teach the amulet comprises a microphone and speaker. However, Marshall teaches such features (see figure 8, the module 200 is wearing around the user's neck comprises a MIC 206, speaker 208, col.5, [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Marshall into view of Kanesaka in order to record and retrieve information in the memory as suggested by Marshall at col.5, [0054].

**Regarding claim 2**, Kanesaka further teaches said keypad part (read on first information process device 100 of figure 1) comprises a main processor (see figure 2, controller 200) adapted to control the operation of the personal telecommunication device (figure 2, first device 100), as well as a radio transceiver (figure 2, transceiver 201) coupled to said main processor (controller 200) for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figures 1&2, base station 102, col.4, ln.18-52).

**Regarding claim 3**, Kanesaka further teaches the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet (see figure 1, col.4, ln.27-32).

**Regarding claim 4**, after combine, Marshall and Kanesaka teaches the claimed limitations. Marshall teaches said amulet comprises an input device (see figure 8, keypad 212), and Kanesaka teaches the short distance communication link between said keypad part and said amulet is a bidirectional link adapted to convey input information from said input device in said amulet to said main processor in said keypad part (see figures 1&2, first device 100, second device 101, controller 200, controller 210, col.4, ln.18-52).

**Regarding claim 5**, Kanesaka further teaches said keypad part comprises a microphone and an electro acoustic transducer for setting up an audio interface between the personal telecommunication device and a human user (see figure 2, first device 100, speaker 204, MIC 205).

**Regarding claim 6**, Marshall further teaches said amulet comprises another input device that comprise at least one pressable key (see figure 8, keypad 212).

**Regarding claim 8**, Kanesaka further teaches said amulet comprises a power switch for switching an operating power on and off (see figure 2, sub switch 213 is switch second device on/off).

**Regarding claim 9**, Kanesaka further teaches said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, and said keypad part comprises a radio transceiver coupled to said main processor

through a bidirectional short distance communication link between said keypad part and said amulet for arranging bidirectional radio communication between the personal telecommunication device and the digital cellular radio network (see figures 1&2, controllers 200, 210, first device 100, second device 101, col.4, ln.18-67).

**Regarding claim 10**, Marshall further teaches said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figure 11, col.5, [0056], the module 240 should be include a controller and transceiver).

**Regarding claim 11**, Kanesaka further teaches the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet (see figure 1, col.4, ln.27-32).

**Regarding claim 12**, Marshall further teaches a third mechanically separate structural part (1001), which is a display part and comprises a display that is larger than the display in said amulet, and a short distance communication link between said display part and the other parts of the personal telecommunication device (see figure 2, figure 8, display 82, display 210, it is clearly show that the display 82 is larger than the display 210 in the module 200).

**Regarding claim 13**, Kanesaka further teaches said keypad part is a mobile station of a cellular radio network and as such functionally completely independent of said amulet, said mobile station comprises a general purpose short distance transceiver

for setting up and maintaining short distance communication connections with other devices, and said mobile station is adapted to transmit a copy of certain information destined to a display in said mobile station to said amulet through said general purpose short distance transceiver (see figures 1&2, controllers 200, 210, first device 100, second device 101, col.4, ln.18-67).

**Regarding claim 14**, Marshall further teaches said amulet is adapted to communicate with other devices than said keypad Part (see figure 2, module 10, headset 60).

**Regarding claim 15**, Marshall further teaches said amulet comprises a connector for connecting it into a receptive socket in another device (see figure 1, module 10, I/O 18, entertainment 30).

**Regarding claim 16**, Kanesaka further teaches said amulet is mechanically incompatible with said keypad part (see figure 1, device 101 can not couple with device 100).

**Regarding claim 18**, Marshall further teaches said hanging arrangement comprises a string with two ends of which are attached to a body of the amulet part so that the string constitutes a loop (see figure 1, band 14, [0023]).

**Regarding claim 22**, Marshall further teaches memory means for storing graphical information that is adapted to be shown on said display as a logo (see memory 202, display 210).

**Regarding claims 23 and 25**, Kanesaka teaches a personal telecommunication device (see figures 1&2, read on the combination of first 100 and second 101 information process devices), comprising:

means for allowing a human user to input information to the personal telecommunication device (see figure 1, first information process device 100 is included keypad), and

means for displaying information to a human user of the personal telecommunication device (see figure 1, second information process device 101 is included a display 120),

two mechanically separate structural parts, of which a first part comprises the means for allowing a human user to input information (see figure 1, first information process device is included keypad), and a second part is an amulet that comprises the means for display (see figure 1, second information process device is included a display 120),

a short distance communication link between said keypad part and said amulet (see figure 1, first information process device 100, second information process device 101, col.4, ln.42-47), and

said amulet further comprising means for allowing said amulet to be worn on the torso of a human user (see figure 1, neckband, col.4, ln.60-64).

It should be noticed that Kanesaka fails to teach means for setting up an audio interface between the personal telecommunication device and a human user. However,

Marshall teaches such features (see figure 8, the module 200 is wearing around the user's neck comprises a MIC 206, speaker 208, col.5, [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Marshall into view of Kanesaka in order to record and retrieve information in the memory as suggested by Marshall at col.5, [0054].

**Regarding claim 24**, Kanesaka further teaches said first pad comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figure 1 and figure 2, device 100).

**Regarding claim 26**, Marshall further teaches said means for allowing the amulet part to be worn comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop (see figure 8).

**4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") in view of Marshall (Pub. No.: US 2002/0095538) as applied to claim 1 above, and further in view of Adams et al. (Pub. No.: US 2004/0240163, hereinafter, "Adams").**

**Regarding claim 7**, Kanesaka and Marshall, in combination, fails to teach touch screen display. However, Adams teaches such feature (see figure 1, display 100, col.2, [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanesaka and Marshall into view of Adams in order to easily input the data by hand.

**5. Claim 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") in view of Marshall (Pub. No.: US 2002/0095538) as applied to claim 17 above, and further in view of Mackey (U.S. Patent No.: 5,956,630).**

Regarding claim 19, Kanesaka and Marshall, in combination, fails to teach an electro acoustic transducer at the end of a cord extending from said body of the amulet part, a certain length of which cord is attached to said string. However, Mackey teaches such features (see figure 1, transducer 20, close loop 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanesaka and Marshall into view of Mackey in order to comfortably worn the portable radio by an individual as suggested bi Mackey at col.1, ln.58-63.

Regarding claim 20, Mackey further teaches two electro acoustic transducers, each transducer being located at the end of a cord extending from said body of the amulet part so that a certain length of each cord is attached to said string and between said certain length and the transducer at the end of the cord each cord hangs free from attachments to said string (see figure 1, transducer 20, close loop 25).

**Regarding claim 21**, Mackey further teaches a receiver for receiving radio broadcasts (see figure 1, radio receiver 14).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

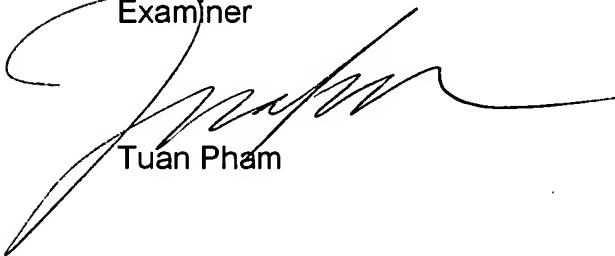
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
November 11, 2006  
Examiner

A handwritten signature in dark ink, appearing to read 'Tuan Pham', written over the printed name.

Tuan Pham

Supervisory Patent Examiner  
Technology Center 2600

A handwritten signature in dark ink, appearing to read 'Matthew Anderson', written over the printed name.

Matthew Anderson